

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the)
Subscriber Changes Provisions)
of the Telecommunications Act)
of 1996)
)
Policies and Rules Concerning)
Unauthorized Changes of Consumers')
Long Distance Carriers)
)
Sprint Petition for Waiver)
_____)

CC Docket No. 94-129

PETITION FOR WAIVER

Sprint Communications Company L.P. ("Sprint"), pursuant to Section 1.3 of the Commission's Rules, 47 CFR §1.3, hereby respectfully requests a limited waiver of the Commission's authorization and verification rules (47 CFR §§64.1100 -64.1190) to the extent necessary to enable Sprint to transfer the certain customers of GTE Communications Corporation, d/b/a GTE Long Distance ("GTE-LD") to Sprint's customer base without first obtaining such subscribers' authorization and verification. As demonstrated below, Sprint fully satisfies the good cause standard established by *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) for securing a waiver.

I. BACKGROUND

GTE-LD is an interexchange carrier providing services throughout the United States and between the United States and foreign points. Because its parent, GTE Corporation, has agreed to merge with Bell Atlantic (*In the Matter of GTE Corporation and Bell Atlantic Corporation*,

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Application for Consent to Transfer of Control, CC Docket No. 98-184), GTE-LD will no longer be able to provide interexchange services originating in those Bell Atlantic States for which Bell Atlantic has not received Section 271 authority from the FCC once the merger is approved by the FCC and is consummated. Thus, GTE-LD will have to cease its provision of interexchange services to all of its customers in all of the Bell Atlantic States, with the exception of New York, and in the District of Columbia and such customers will have to subscribe to the services of other IXCs if they want to continue to place interexchange calls on a "1+" basis.

GTE-LD will notify all of its affected customers of their right to choose another IXC. It plans to send a letter to each of its customers on or about February 24, 2000, stating that in anticipation of gaining regulatory approval of GTE's pending merger with Bell Atlantic, GTE-LD will cease providing interexchange services to such customer on March 30, 2000; and that, if the customer wishes to select another IXC, he or she should contact either their local exchange carrier or their IXC of choice to make the switch no later than March 20, 2000. The letter will also inform customers that if they do not select a long distance carrier by this date, GTE-LD "has made arrangements for Sprint to become [such customers'] long distance carrier" so as to ensure no disruption in the customers' interexchange service. A draft copy of the letter is enclosed.¹

On or about March 24, 2000, GTE-LD will furnish Sprint with a list of the GTE-LD's customers who remain presubscribed to GTE-LD's service. Upon receiving this list, Sprint is required by the terms of its agreement with GTE-LD to load these remaining GTE-LD customers into its subscriber databases and submit the customers' CARE information to their LECs for execution as quickly as possible and well before the date on which GTE-LD will cease its provision of interexchange services in the affected Bell Atlantic States. Sprint will also send a

¹ GTE-LD will include a coupon with its letter to defray the customer's cost of switching long distance carriers.

letter to each of the converted GTE-LD customers stating that in light of GTE-LD's cessation of interexchange operations in the customer's State and the fact the customer did not select another IXC, he or she has become a Sprint customer; that Sprint's services will be provided at rates and under terms and conditions comparable to the rates, terms and conditions of their service with GTE-LD; that the customer does not have to do anything to receive Sprint service;² but that the customer should contact his or her LEC to change carriers if the customer does not want Sprint service.³ This letter is currently being drafted and once completed will be furnished to the FCC if deemed necessary.

II. ARGUMENT

Under the regulatory regime established by the Commission in its *Second Report and Order* issued in this proceeding, 14 FCC Rcd 1508 (1998), *recon pending, stayed in part, MCI WorldCom v. FCC*, No. 99-1125 (D.C. Cir. May 18, 1999), Sprint must verify all preferred carrier change orders before it submits such orders to the LEC for execution. *See* 47 CFR §64.1150 ("No carrier shall submit a preferred carrier change order unless and until the order has first been confirmed in accordance with one of the following [verification] procedures..."). But requiring that Sprint obtain verification in the case of those GTE-LD's subscribers who did not seek to change carriers after they received GTE-LD's letter urging them to do so would prevent the seamless transfer of such subscribers to Sprint and disrupt their ability to place "1+" interexchange calls at comparable and under comparable terms and conditions for the service they currently receive from GTE-LD. Given that GTE-LD and Sprint anticipate that tens -- and

² These customers will be advised that they should use the coupon provided by GTE-LD to help cover the fee imposed by their LEC for their conversion to Sprint.

³ Each former GTE-LD customer converted to Sprint service will also receive the welcome package that Sprint provides each of its new customers.

perhaps hundreds -- of thousands of GTE-LD's subscribers will not seek to transfer carriers on their own after they receive the letter from GTE-LD and given that Sprint is required by the terms of its agreement with GTE-LD to convert such customers to its service as rapidly as possible, it will be simply impossible for Sprint to obtain the verification of each of these subscribers before it submits the names of the such customers to the executing LECs. In fact, it would be extremely unlikely that Sprint could obtain the verification of each of these customers even if could take the entire time between March 24 when it is scheduled to receive the list of customers from GTE-LD and March 30 when GTE-LD is scheduled to discontinue service in the affected States in which to add such customers to its databases and submit the CARE information to the LECs for conversion.

Thus, absent a waiver, Sprint would not be able to submit to the LEC the names of those GTE-LD subscribers from whom Sprint had not obtained verification, thereby depriving such customers of the ability to place "1+" interexchange calls. This unfortunate outcome would be highly inconvenient to these customers and could force them into utilizing dial-around services which may be more expensive than the services they now receive from GTE-LD and will receive from Sprint.

Moreover, because GTE-LD's subscribers will have been informed that if they did nothing they will be transferred to Sprint, it is reasonable to assume that those who did not switch carriers on their own wanted to become Sprint customers. In any case, such subscribers will receive a letter from Sprint notifying them that they have become Sprint customers and again informing them of their ability to change carriers by contacting their LEC. And, Sprint

will handle and attempt to resolve to their satisfaction all inquiries from GTE-LD's subscribers regarding their conversion to Sprint.⁴

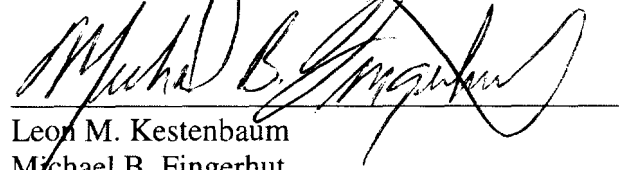
Plainly, the circumstances justifying granting Sprint its requested waiver are similar to the circumstances found by the Commission to justify waivers in the public interest of its authorization and verification rules for carriers acquiring the customer base of other carriers. *See, e.g., Implementation of the Subscriber Changes Provisions of the Telecommunications Act of 1996; Sprint Communications Company L.P., Petition for Waiver*, 1999 FCC LEXIS 5247 (released October 20, 1999) and 1999 FCC LEXIS 2878 (released June 17, 1999); *Conversant Communications, LLC, Petition for Expedited Waiver*, 1999 FCC LEXIS 6513 (released December 21, 1999); *Iowa Telecommunications Services, Petition for Waiver*, 1999 FCC LEXIS 6515 (released December 21, 1999) *MCI WorldCom, Inc., Request for Waiver*, 1999 FCC LEXIS 3823 (released August 6, 1999); *Long Distance of Michigan, Inc. Request for Waiver*, 1999 FCC LEXIS 3207 (released July 9, 1999); *CoreComm Limited Request for Waiver*, 1999 FCC LEXIS 2099 (released May 13, 1999); *International Exchange Communications, Inc. Request for Waiver* 1999 FCC LEXIS 2098 (released May 13, 1999); and *EqualNet Corporation Request for Waiver*, 1999 FCC LEXIS 1005 (released March 15, 1999).

⁴ Given the fact that GTE-LD will continue in business in areas outside of the Bell Atlantic region and will remit bills to the customers for service provided prior to March 30, it is in the best position to resolve inquiries from a customer related to the service GTE-LD provided such customer prior to the customers conversion to Sprint.

Accordingly, Sprint respectfully requests that the Commission waive its authorization and verification rules as set forth herein. Sprint also requests that its request here be expedited since Sprint's agreement with GTE is contingent upon Sprint's receipt of the waiver by March 10.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.

A handwritten signature in black ink, appearing to read "Michael B. Fingerhut", is written over a horizontal line.

Leon M. Kestenbaum
Michael B. Fingerhut
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(202) 585-1909

Its Attorneys

February 16, 2000



GTE Long Distance
6885 N. MacArthur Blvd.
Irving, TX 75039

**PLEASE SELECT A NEW
LONG DISTANCE CARRIER
BY MARCH 20.**

Address Line #1
Address Line #2
Address Line #3
Address Line #4
Address Line #5
Address Line #6
Address Line #7
Address Line #8

**GTE LONG DISTANCE
WILL NO LONGER PROVIDE
LONG-HAUL OR INTERSTATE SERVICE
IN YOUR STATE.**

Dear Mr. Sample:

As of March 30, GTE Long Distance will no longer provide long-haul or interstate long distance service in your area. GTE is merging with Bell Atlantic and, as a result, will be subject to regulatory requirements that currently prohibit the new company from providing long-haul or interstate long distance service in some states. The new company will be working to receive the required approvals that will allow us to offer long-haul or interstate long distance service in your area again soon.

What does this mean to you? It means you will want to select a new long distance carrier by March 20, 2000. You also will want to secure another provider for your calling cards and toll-free services provided by GTE Long Distance.

[Please note, your local service, provided through your local GTE company, will continue without interruption. However, if your local toll service is provided by GTE Long Distance, you will want to select another carrier for that service as well.]

Here are the simple steps you should take now to secure a new long distance company:

1. Use the enclosed information sheet to help you select the new long-haul and interstate long distance company of your choice. When you call a long distance company, ask about calling plans and other long distance services you need, such as calling cards and toll-free services.

If you have a long distance company change restriction on your phone lines, please call your [GTE local phone company] to remove the

**SERVICES AFFECTED:
LONG-HAUL OR
INTERSTATE SERVICE,
800 TOLL-FREE SERVICE
AND CALLING CARDS**

**PLEASE CHOOSE
A NEW COMPANY
FOR THESE SERVICES
BY MARCH 20, 2000**

**THIS CHANGE DOES
NOT AFFECT YOUR
LOCAL SERVICE**

**[THIS CHANGE MAY
AFFECT YOUR
LOCAL TOLL SERVICE]**

**FOR QUESTIONS CALL
[1-800-699-6610] OR VISIT
www.gte.com/LDCHANGE**

Continued on reverse

Details here



LONG DISTANCE

REIMBURSEMENT COUPON
Not redeemable for cash. Good only for telephone charges.

Pay to the order of:

GTE Network Services or the Local Telephone Company

\$

Expires 90 days
from date of issue.

Gregory D. Jacobson,
Treasurer

restriction. This will help assure that your service will be transferred to a new company without interruption.

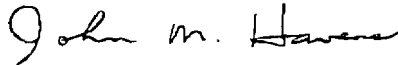
2. Be sure to switch by March 20, 2000. If you have not selected a provider by that date, we have made arrangements for Sprint to become your long distance carrier (pending regulatory approval). This will ensure no disruption to your service.

3. We have enclosed a coupon to defray the cost of switching to another long distance company. Just enclose the coupon in your next local telephone bill and simply deduct the coupon from the total you pay.

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the §63.71 Application of GTE Communications Corporation. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are CT, DE, MA, MD, ME, NH, NJ, PA, RI, VA, VT, WV, as well as Washington DC.

It has been a pleasure to serve you and we hope to be able to offer you long distance service again in the future. Please call [1-800-699-6610] if you have questions.

Sincerely,

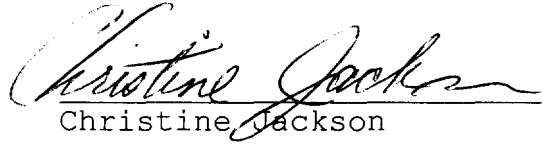


John M. Havens
Assistant Vice President - GTE Long Distance

GTE Long Distance is a division of GTE Communications Corporation.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION FOR WAIVER** of Sprint Communications Company L.P. was sent by hand on this the 16th day of February, 2000 to the below-listed parties:


Christine Jackson

February 16, 2000

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